

PATENT
Att'y Dkt.: 2685/5806

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HASKELL et al

Serial No.: 09/814,061

Filed: March 22, 2001

For: GENERALIZED SCALABILITY FOR VIDEO
CODER BASED ON VIDEO OBJECTS

Examiner: A. Bayat

Art Unit: 2621

DECLARATION OF ROBERT SCHMIDT

I, Robert Schmidt, hereby declare as follows:

1. I am an inventor of the above-referenced patent application currently pending before the United States Patent and Trademark Office. I am informed that the application currently contains claims 46-50, which stand rejected as anticipated by Puri, et al., *Working Draft 1.0 of ISO/IEC 14496-2, ISO/IEC JTC1/SC29/WG11 N1470* (Nov. 1996) (herein, the "N1470" document).

2. My co-inventors and I conceived of the subject matter recited in claims 46-50 and also reduced it to practice by at least July 8, 1996. Evidence of this fact is shown in the attached Exhibits A-C. Exhibit A is a document, authored by myself, my co-inventors and three representatives from Sharp Corporation (Katata, Aono and Ito),¹ that was presented at a July 1996 meeting of the Motion Picture Experts Group ("MPEG") Working Group standards body. Exhibit B is a document, authored only by my co-inventors and me, which was presented at the July 1996 working group meeting also. It describes results of a core experiment performed using the subject matter we proposed in Exhibit A. Exhibit C is a press release generated from the July 1996 meeting, indicating that the MPEG Working Group meeting that occurred July 8-12, 1996.² Exhibits A and B were first published at the Tampere meeting.

¹ For convenience, Mr. Katata, Mr. Aono and Mr. Ito are called the "Sharp authors" herein.

² The Working Group meeting was held in Tampere, Finland and, accordingly, is called the "Tampere meeting" herein.

3. By July 1996, MPEG Working Group 11 had been convened to define the MPEG-4 standard for compression of video data. Working groups typically operated by soliciting proposals from industry, such as from AT&T or Sharp Corporation, and by having industry representatives evaluate these proposals and determine whether to include them in the MPEG-4 standard. Conventionally, a proposal involved two documents: a first document described the subject matter being proposed and a second document presented results of software prototypes that demonstrated the advantages of the newly proposed technique. Following presentation, members of the Working Group might approve one or more proposed techniques for inclusion in a "verification model" of the MPEG-4 standard. Thus, various verification models were generated as MPEG-4 was developed; these verification models reflected the incremental development of the MPEG-4 standard over time.

4. Exhibit A proposes a scalability syntax for use in the MPEG-4 standard. It was presented to the MPEG-4 Working Group 11 sometime during the Tampere meeting. Exhibit A describes subject matter that was developed by my co-inventors and me. It also describes subject matter that was developed by the Sharp authors. Exhibit B presents results from a core experiment performed upon the portion of the scalability syntax developed by my co-inventors and me. Exhibit D is a copy of MPEG-4 verification model 3, which was generated at the conclusion of the Tampere meeting. It demonstrates that our proposed scalability syntax was adopted for use in MPEG-4.

5. As noted, Exhibit A reflects subject matter developed by my co-inventors and me; it also reflects subject matter developed by the Sharp authors. We have annotated Exhibit A to identify the subject matter that originated from the Sharp authors. Boxes have been superimposed over portions of pages 4-5 (labeled "SHARP") to identify the subject matter that originated from the Sharp authors. All other subject matter presented in Exhibit A was developed by my co-inventors and me.

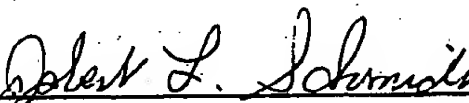
6. My co-inventors and I conceived of the subject matter recited in pending claims 46-50 before the Tampere meeting, which occurred July 8-12, 1996. For example, the syntax recited in claim 46 is described identically on pages 2-4 of Exhibit A. The `ref_select_code` of claim 49 is described on page 6 of Exhibit A. The `ref_select_code` of claim 50 also is described on page 6 of Exhibit A. Thus, we had conceived of this subject matter by at least July 1996.

upon at the end of the Tampere meeting. Our scalability syntax appears throughout pages 51-59 of Exhibit D.

12. The subject matter claimed in the pending application had thus been conceived and reduced to practice in the United States by my co-inventors and myself prior to July 1996.

I, Robert Schmidt, declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true and that all statements made herein are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date: September 19, 2002


Robert Schmidt